

REMARKS

Upon entry of the above amendments, claims 1-16 will be pending in the application.

Claim Amendments

Claim 1 is being amended to clearly state that the fluorine is incorporated into the fastening part. Support for this amendment is shown by amended page 3 (August 4, 2000 substitute pages submitted to the receiving office) of the specification.

Restriction

Applicant notes that the Examiner has gone final in regards of the restriction of claims 5, 6, 9 and 10, which regard the apparatus designed for carrying out the claimed process. Applicant still submits that there is a unity of invention in accordance with 37 C.F.R. § 1.475 b(5). Applicant has claimed a novel product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process thereby meeting the requirement for unity of invention.

Claims 5, 6, 9, and 10 detail an apparatus that is "specifically designed" for the process detailed in the examined claims based on the technical relationship between the claimed apparatus and the claimed process of manufacturing the fastening part detailed in independent claim 1. The expression "specifically designed" does not imply that the apparatus or means could not be used for carrying out another process, nor does it imply that the process could not be carried out using an alternative apparatus or means. The patent cited by the Examiner (US 5,882,728), which regards a fluorination chamber, fails to prove that the apparatus is not "specifically designed" for the claimed process. Furthermore, the patent cited by the Examiner fails to lessen the impact of the "special technical features" (e.g. the features of independent claim 1) set forth and shared by the pending claims. Reference is made to M.P.E.P. 1893.03(d)

regarding unity of invention.

Due to the foregoing, Applicant requests that the Examiner reconsider this issue. Applicant defers the right to petition this matter until after final action or allowance of the elected claims in accordance with 37 C.F.R. § 1.144.

Claim Rejections – 35 U.S.C. § 103

Claims 1-4, 7, 8, and 11-16 are rejected as obvious in view of Applicant's acknowledged state of the art in view of either Dixon (US 4,009,304) or Seibel (US 3,364,056). The Examiner admits that the discussion (appearing in the specification) regarding the state of the art failed to detail "fluorine treating the laminate to improve adhesion". To overcome this failing, the Examiner relies on either Dixon or Seibel as a secondary reference. The Examiner states that the "secondary references each disclose fluorine treatment of polymers to improve adhesion to another material". Therefore, the Examiner reasons that it would have been obvious to treat the "article of the primary reference with fluorine gas...to improve adhesion to the foam layer".

Applicant has carefully considered the rejection and wishes to clarify that the invention detailed in claim 1 does not detail "fluorine treating the laminate to improve adhesion". Claim 1 details a:

Fastening part for a foam material comprising:
adhesive elements on one side of the fastening part to
connect with corresponding adhesive elements of another fastening
part, and
a connecting element in the nature of an adhesive medium
on the other side of the fastening part to produce a connection with
the foam material,
wherein the adhesive medium is a laid-in component of the
fastening part,
wherein the adhesive medium consists of fluorine.

Applicant respectfully submits that this claim details that the connecting element (that produces a connection with the foam material) is an adhesive medium consisting of fluorine that is incorporated into the fastening part. In contrast, the admitted prior art utilize a variety of

mechanical means and/or separate application of adhesive to produce a connection.

Applicant respectfully submits that the aforementioned failings of the admitted prior art are not remedied upon consideration of the secondary references.

Dixon details the fluorination of a polyester reinforcement material (e.g. filament, yarn, tire cord, tire fabric) and incorporating the fluorinated polyester material within rubber goods to form a connection (in contrast to forming a connection with a foam material). Reference is made to column 1, line 65 to column 2, line 2 of Dixon. This patent explains that fluorination forms carboxylate groups, which are "believed to be a cause of improved adhesion" characteristics. See column 3, lines 44 and 45 of Dixon. However, this patent further explains that the "combined fluorine groups on the polyester surface do not, apparently, have any detrimental effect, despite the inert non-stick characteristics often ascribed to fluorocarbon surfaces" and that "the surface so *hampers adhesion*, the disappearance thereof substantially improves adhesive bonding". See column 3, lines 45-59 of Dixon. This statement is also supported by the disclosure appearing in column 6, lines 20-37 (where it is detailed that the nylon or polyester is further treated with a conventional resorcinol-formaldehyde-latex composition) and the results shown by the table corresponding to the examples (treatment with fluorination resulted in slightly higher or lower adhesion when compared to the controls, whereas the combination of treatment and conventional adhesive resulted in higher adhesion when compared to only conventional adhesive).

Applicant respectfully submits that Dixon fails to detail that fluorination "improves adhesion to the foam layers" as asserted in the Office Action. Dixon would teach someone skilled in the art that there is an indication of improved adhesion when combining fluorination of the detailed materials (polyester yarn, tire cord or fabric in polyester reinforced rubber goods) and conventional adhesives. There is no hint or suggestion regarding foam material, such as polyurethane foam.

Similar failings can be associated with the other secondary reference, Seibel. Seibel teaches a method of treating a surface of a polyolefin by burning a combustible gas containing a halogen. Siebel discloses that such treatment will increase the adhesivity of the surface for a synthetic plastic coating. There is no disclosure regarding an adhesive medium that forms a connection with a foam material. Furthermore, Seibel fails to detail that the adhesive medium is incorporated into the fastening part and that the adhesive medium consists of fluorine.

As such, the admitted prior art and the secondary references fail to provide any hint, teaching, or suggestion regarding the invention detailed in claim 1. The invention detailed in claim 1 comprises a variety of parts including an adhesive medium for forming a connection with a *foam material*. This adhesive medium *consists* of fluorine, which has been incorporated into the fastening part.

Applicant respectfully submits that independent claim 1 and the resulting dependent claims are allowable in view of the cited prior art. Therefore, Applicant respectfully requests that the rejections be withdrawn.

CONCLUSION

Applicant earnestly awaits allowance of the application. If any additional fees are due in connection with the filing of this response, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to Deposit Account No. 02-4300. Any overpayment can be credited to Deposit Account No. 02-4300.

Respectfully submitted,

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* Practice is limited to matters and proceeding before federal courts and agencies.